

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re:	:	
	:	CHAPTER 13
Charles J. Mauceri	:	
xxx-xx-5269	:	
Debtor.	:	CASE NO. 19-10214/MDC
U.S. Bank Trust National Association,	:	
not in its individual capacity, but solely	:	
as Owner Trustee for Citigroup	:	
Mortgage Loan Trust 2021-A	:	
Movant,	:	
v.	:	Courtroom Number 2
CHARLES J. MAUCERI	:	Hearing Date: September 13, 2022 @ 10:30 am
Debtor,	:	
And	:	
KENNETH E. WEST	:	
Trustee,	:	
Respondents.	:	

**MOTION OF U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN
ITS INDIVIDUAL CAPACITY, BUT SOLELY AS OWNER TRUSTEE FOR
CITIGROUP MORTGAGE LOAN TRUST 2021-A FOR RELIEF FROM THE
AUTOMATIC STAY TO PERMIT MOVANT TO EXERCISE ITS RIGHTS
UNDER STATE LAW AGAINST CERTAIN REALTY KNOWN AS
5 LITTLE TURTLE CIRCLE, ROYERSFORD, PA 19468**

Movant, by its Attorney, Romano Garubo & Argentieri, Emmanuel J. Argentieri, Esquire appearing, hereby requests a modification of the automatic stay and leave so it can exercise its rights under state law against certain realty and avers as follows:

1. Movant is U.S. Bank Trust National Association, not in its individual capacity, but solely as Owner Trustee for Citigroup Mortgage Loan Trust 2021-A (hereinafter "Movant").

2. Movant is the holder of a Note secured by a mortgage on the Debtor's realty commonly known as 5 Little Turtle Circle, Royersford, PA 19468. **(Please see Exhibit "A" attached hereto and incorporated herein).**

3. Debtor's Chapter 13 petition was filed January 11, 2019.

4. The amount of Debtor's post-petition mortgage payment is \$2,214.29.

5. Debtor should have made (43) payments outside of the plan since the date of filing petition.

6. Since the date of filing, Debtor has only made (40) payments to Movant.

7. Debtor is behind (3) payments outside the plan, through the payment due August 1, 2022.

8. The total amount of delinquency outside the plan is \$5,420.32.

The amount is computed in the following manner:

- a) 6/1/22 through 8/1/22 post-petition
 - (1) payment at \$1,486.01 each: \$1,486.01
 - (2) payments at \$2,214.29 each \$4,428.58
- b) Less suspense balance of \$494.27

9. Pursuant to the foregoing, Movant contends that cause exists to grant it relief from the Automatic Stay. Movant is not adequately protected. Accordingly, Movant is entitled to relief from the automatic stay under 11 U.S.C. §362(d)(1).

10. Movant has cause to have relief from the Automatic Stay effective immediately and such relief should not be subject to the fourteen-day period set forth in Bankruptcy Rule 4001(a)(3), as Movant will incur substantial additional costs and expenses by the imposition of said fourteen-day period.

11. Movant has had to incur legal fees as a result of the prosecution of this Motion.

12. The other Respondent is the Chapter 13 Trustee appointed in the above-captioned chapter 13 proceeding.

WHEREFORE, Movant respectfully requests that the Court enter an Order which grants it relief from the Automatic Stay, along with all other relief the Court deems just and equitable under the circumstances.

ROMANO GARUBO & ARGENTIERI
Attorneys for Movant

By: /s/ Emmanuel J. Argentieri
Emmanuel J. Argentieri, Esquire
PA Attorney ID No. 59264

Dated: August 15, 2022

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